

City Council Introduction: **Monday**, June 10, 2002
Public Hearing: **Monday**, June 17, 2002, at **1:30 p.m.**

Bill No. 02-80

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3353**, from AG Agricultural to R-3 Residential, requested by Olsson Associates on behalf of M & S Construction, on property generally located south of West Adams Street and east of N.W. 48th Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Annexation No. 02002 (02-79) and Preliminary Plat No. 02001, Ashley Heights 1st Addition (02R-129).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/01/02
Administrative Action: 05/01/02

RECOMMENDATION: Approval (9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This annexation and the associated Change of Zone No. 3353 and Ashley Heights 1st Addition Preliminary Plat were heard at the same time before the Planning Commission.
2. The staff recommendation to approve the annexation is based upon the "Analysis" as set forth on p.4-5, concluding that the area is shown inside the anticipated service limit of the current Comprehensive Plan, within the Lincoln Planning Area and abutting the City Limits. The area is adjacent to existing urban residential and the developer agrees to pay for utility extension and pavement improvements, excluding curb and gutter of N.W. 48th Street.
3. The applicant's testimony is found on p.6-7.
4. There was no testimony in opposition.
5. The Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 3, 2002

REVIEWED BY: _____

DATE: June 3, 2002

REFERENCE NUMBER: FS\CC\2002\ANNEX.02002

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Annexation #02002
Change of Zone #3353
Preliminary Plat #02001

DATE: April 3, 2002

****As Revised by Planning Commission, 05/01/02****

PROPOSAL: To annex 18.18 acres, change the zone from AG to R-3 and preliminary plat 69 single family lots and five outlots south of W Adams and east of NW 48th Street.

WAIVER REQUEST: The applicant requests the following waivers to the preliminary plat:

1. Design standards for sanitary sewer man-hole depth
2. Design standards for storm water detention
3. Subdivision standards for curb and gutter on NW 48th Street

LAND AREA: 18.18 acres, more or less

CONCLUSION: The area is shown inside the anticipated service limit of the current Comprehensive Plan, within the Lincoln Planning Area and abutting the City limits. The area is adjacent to existing urban residential and the developer agrees to pay for utility extension and pavement improvements, excluding curb and gutter of NW 48th Street.

<u>RECOMMENDATION:</u>	Annexation	Approval
	Change of Zone	Approval
	Preliminary Plat	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 31 Irregular Tract, located in the southeast quarter of Section 18, T10N, R6E of the 6th principal median, Lancaster County, Nebraska.

LOCATION: Generally located east of NW 48th Street and one half mile south of West Adams Street.

APPLICANT: Phil Stettinger
M & S Construction
P.O. Box 80467
Lincoln, NE 68501

OWNER: M & S Construction

CONTACT: Stephen Clymer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

EXISTING ZONING: AG, Agricultural

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped Ashley Heights Add.	R-3, Residential
South:	Agricultural land	AG, Agricultural
East:	Agricultural land	AG
West:	Single family residential	R-3

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Land Use Plan indicates this area as Agricultural and outside the future service limit (page 39).

The Comprehensive Plan designates this land as Phase I and II - "Designated for immediate development, will generally be contiguous to existing development with some or most of required infrastructure in place" and "designated for near-term development will be contiguous to existing or planned development but lacking one or more major items of infrastructure, such as arterial road, park or trunk sewer." (p 197)

The developer agrees to pay for utility extension and pavement upgrade of NW 48th Street. The area is adjacent to existing residential of the same character to the adjacent development to the north.

HISTORY:

Date when preliminary plat was submitted: January 7, 2002

Date when Planning Director's letter was sent: February 8, 2002

Date when revised preliminary plat was submitted: March 8, 2002

On **April 16, 2001** Special Permit #1833 Ashley Height Addition CUP was approved by the City Council for 295 dwelling units at NW 48th and W Adams Streets.

On **April 16, 2001**, Change of Zone #3248 from I-2, Industrial to R-3, Residential, H-4, General Commercial and B-2, Planned Neighborhood Business District was approved by the City Council at NW 48th and W Adams Streets.

On **April 16, 2001**, Comprehensive Plan Amendment #94-52 was approved to change the land use plan to indicate a mixture of commercial and residential at NW 48th and W Adams Streets.

On **October 8, 1984**, City Council approved Change of Zone #2123, which changed the zoning of 0.34 acres of land on the southeast corner of NW 48th and W Adams St. from AG Agricultural to I-2 Industrial Park.

On **July 2, 1984**, City Council approved Change of Zone #2106, which changed the zoning on 151 acres at the southeast corner of NW 48th and W Adams from AG Agricultural to I-2 Industrial Park. This request by the Chamber of Commerce was associated with Comprehensive Plan Amendment #27.

The zone was A-A, Rural and Public Use District until the zone was changed to AG, Agricultural during the **1979** zoning update.

UTILITIES: Utilities are adjacent to this site in NW 48th Street. Extension is required as part of the annexation agreement. The Public Works & Utilities Department indicates that the requested waivers to storm water detention and man-hole depth design standards are satisfactory.

TRAFFIC ANALYSIS: NW 48th Street is currently a paved two-lane rural roadway. The Comprehensive Plan classifies NW 48th Street as a Minor to Principle Arterial to have four through lanes and left turn lanes. These improvements are not currently identified in the Capital Improvements Program.

The conditions of the preliminary plat specify turn lane provisions for right and left turn lanes in NW 48th Street at Thatcher for northbound right and southbound left turns. The Public Works & Utilities Department has received numerous inquiries and complaints about this intersection.

The intersection of W. Thatcher Road and NW 48th Street is at the ½ mile line and is the design standard location for a collector street. 66' of right-of-way should be dedicated and 33' of pavement built between NW 46th and NW 48th Streets. .

PUBLIC SERVICE: The nearest fire station #11 in Arnold Heights
 The nearest public school is Arnold Elementary School
 The nearest public library is the Arnold Heights Library

REGIONAL ISSUES: This area is within the Airport Environs Turning Zone. An Avigation and Noise Easement and Covenant Agreement is required.

ENVIRONMENTAL CONCERNS: The Lincoln-Lancaster County Health Department is concerned about the proximity of this residential development to the Sunhusker Foods processing plant to the north off of W Adams Street.

ANALYSIS:

1. This is a request to annex 18.18 acres, change the zone from AG to R-3 and preliminary plat 69 single family lots and five outlots south of W Adams and east of NW 48th Street.
2. This property meets the Comprehensive Plan's policy (page 191) for annexation because:

- A. It is contiguous to the city limits;
 - B. Infrastructure can and shall be constructed to serve the site;
 - C. It is within Phase I and II and the developer will participate in paying the cost to extend urban infrastructure to the site.
3. The Public Works & Utilities Department indicates that as a condition of the preliminary plat, the developer is required to build provisions for right and left turn lanes in NW 48th Street at Thatcher for northbound right and southbound left turns. The Public Works & Utilities Department has received numerous inquiries and complaints about this intersection for the extension to the west. The Public Works & Utilities Department's review of this plat noted that this intersection is at the ½ mile line and is the design standard location for a collector street. 66' of right-of-way should be dedicated and 33' of pavement built between NW 46th and NW 48th Streets.
 4. The Public Works & Utilities Department indicates that the proposed water system is satisfactory to serve this addition. Public Works indicates that the drainage and grading is satisfactory provided that easements can be obtained to do the substantial grading shown outside this plat along the south property line.
 5. The Design Standards indicate that residential sanitary sewer covers should range from 9-11 feet in depth. The applicant requests a waiver to allow a 19.5' deep man-hole due to existing topography and the layout of the adjacent subdivision. The Public Works indicates that the proposed sanitary sewer system is satisfactory provided that the man-hole depth waiver is approved.
 6. The applicant requests to waive the requirement for on site storm water detention by providing a connection into a conduit in the Ashley Heights Addition subdivision to the north. The applicant indicated that the conduit is adequately sized for additional flows and in turn exits into an existing storm water detention cell located on the north side of the Ashley Heights Addition subdivision. The Public Works & Utilities Department indicated that the request to waive storm water detention to allow for off-site detention is satisfactory.
 7. The Public Works & Utilities Department has concerns about the long straight street alignment of West Thatcher lane. This alignment is conducive to higher speeds because of the length of the straight section. The street system however does meet design standards. There are no design standards that address the issue of the long straight alignment.
 8. The Public Works & Utilities Department indicated that the waiver to the curb and gutter in NW 48th Street is satisfactory, provided that the turn lanes are shown. The Public Works & Utilities Department indicated that the short stretch of curb and gutter would not be beneficial and is why they recommend approval to the waiver.

Prepared by:

Becky Horner
Planner

**ANNEXATION NO. 02002;
CHANGE OF ZONE NO. 3353
and
PRELIMINARY PLAT NO. 02001,
ASHLEY HEIGHTS 1ST ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 1, 2002

Members present: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Approval of the annexation and change of zone, and conditional approval of the preliminary plat.

These applications were removed from the Consent Agenda and had separate public hearing at the request of the applicant's attorney, Mark Hunzeker.

Proponents

1. Mark Hunzeker appeared on behalf of **M&S Construction**, and requested amendments to the conditions of approval.

Hunzeker requested that Condition #1.1.2 be deleted regarding stormwater detention. The staff report indicates that Public Works has reviewed and approved the detention as provided, and Hunzeker believes it is inappropriate to require that this application not proceed to City Council until the detention has been reviewed by the Airport Authority.

Hunzeker submitted proposed amendments to Conditions #1.1.4 and #3.2.3.1:

- 1.1.4 66 feet of right-of-way should be dedicated and 33 feet of pavement built between ~~N.W. 46th~~ N.W. 47th and N.W. 48th Streets to the satisfaction of the Public Works and Utilities Department.

- 3.2.3.1 Left and right turn lanes on N.W. 48th Street at Thatcher for northbound right turns (if feasible, as determined by the Public Works and Utilities Department after consultation with developer's engineer) and southbound left turns into this property.

Hunzeker indicated that the developer has reached agreement with Public Works relative to providing a collector street width for Thatcher extending one block east of N.W. 48th and tapering down to a 27' width prior to its crossing the culvert that runs across Thatcher east of N.W. 47th Street. There is some question as to the feasibility of providing right turn lanes in N.W. 48th; hence the proposed additional language that those will be required, if feasible, as determined by Public Works.

There was no testimony in opposition.

Steward asked staff to respond to the proposed amendments. Dennis Bartels of Public Works agreed that the amendments clarify that to which he has already agreed.

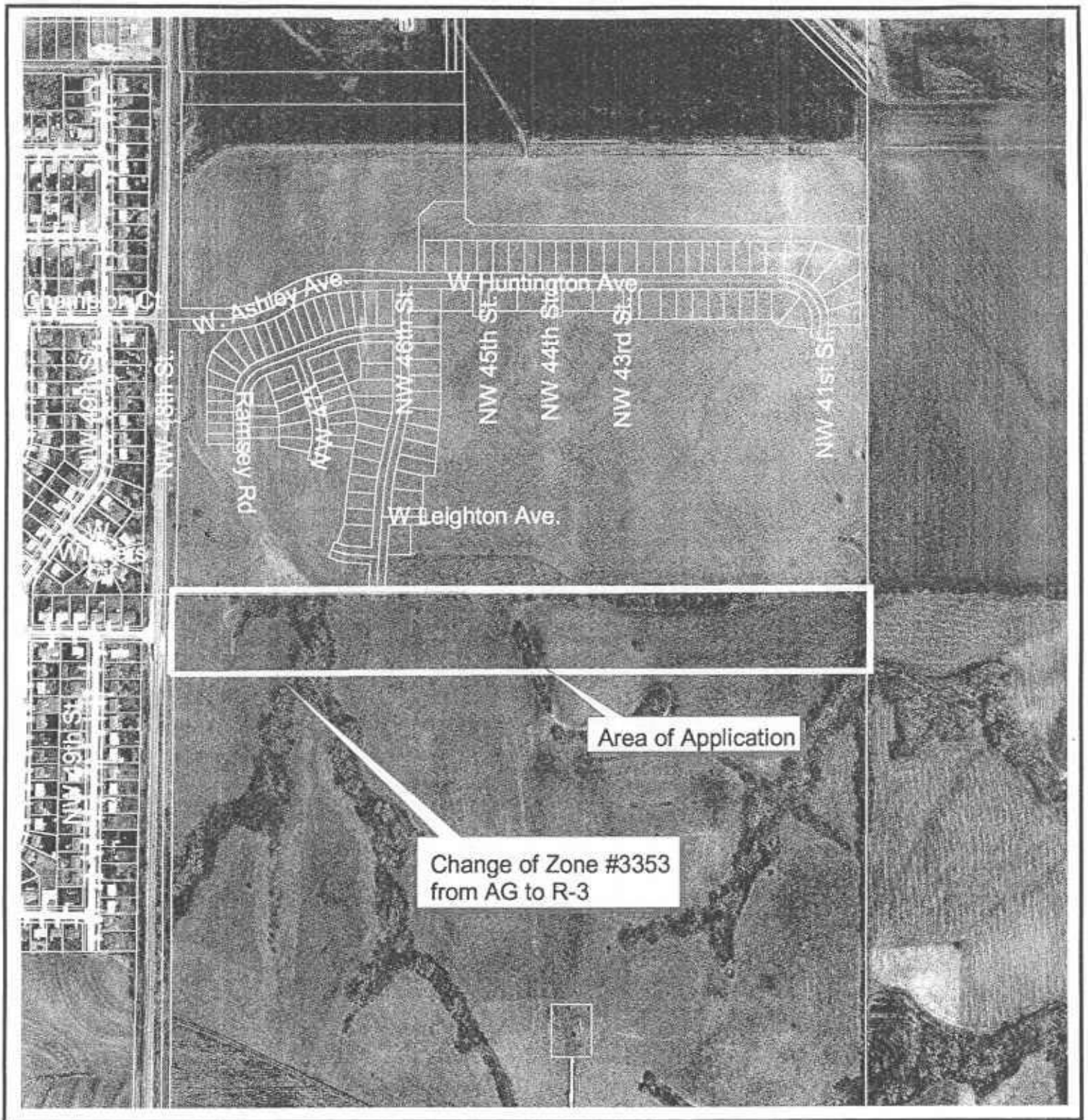
Public hearing was closed.

ANNEXATION NO. 02002

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

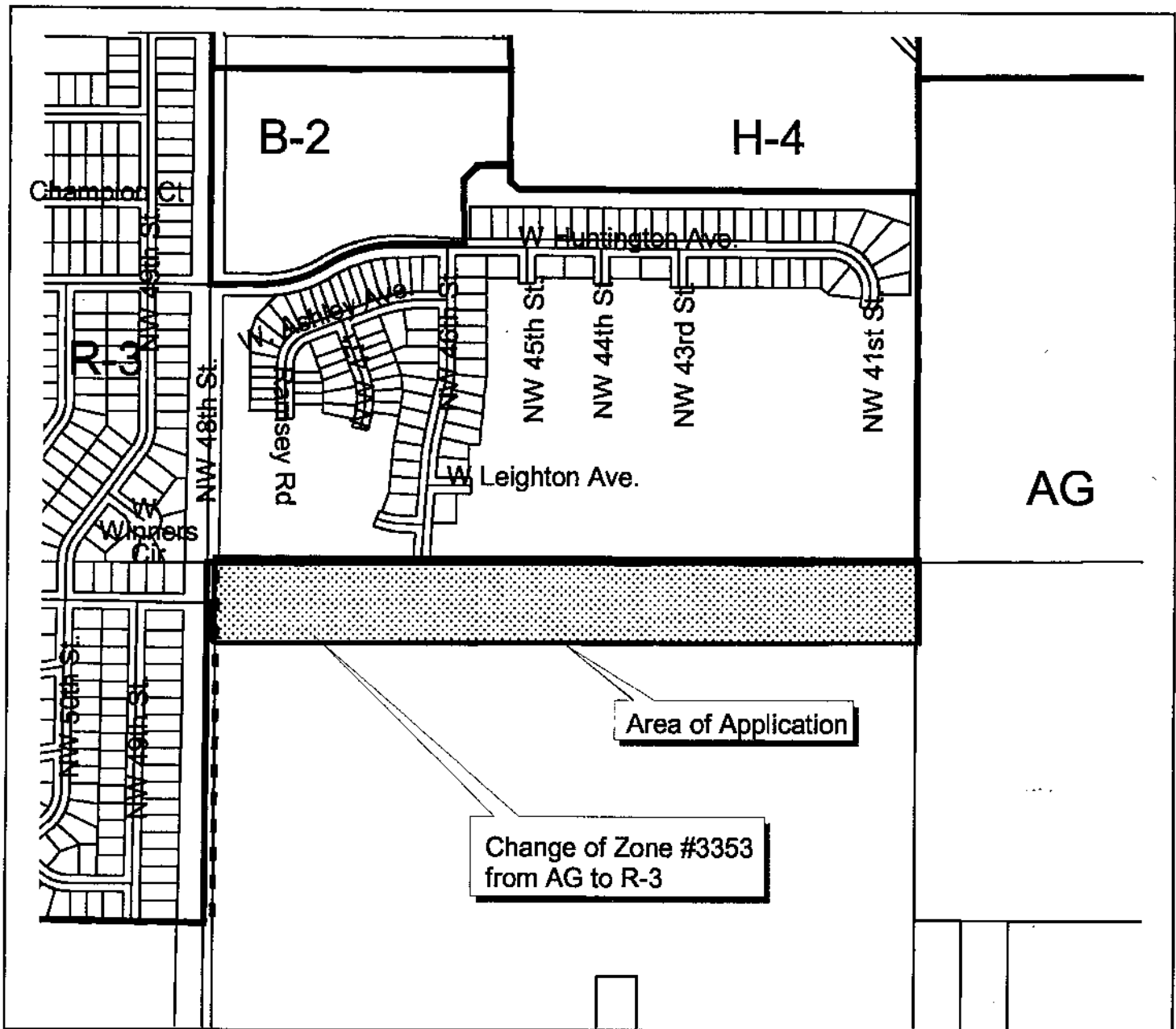
May 1, 2002

Steward moved approval, seconded by Larson and carried 9-0: Carlson, Taylor, Duvall, Larson, Bills-Strand, Newman, Krieser, Steward and Schwinn voting 'yes'.



**Preliminary Plat #02001
Change of Zone #3353
Ashley Heights 1st
NW 48th & W. Adams**



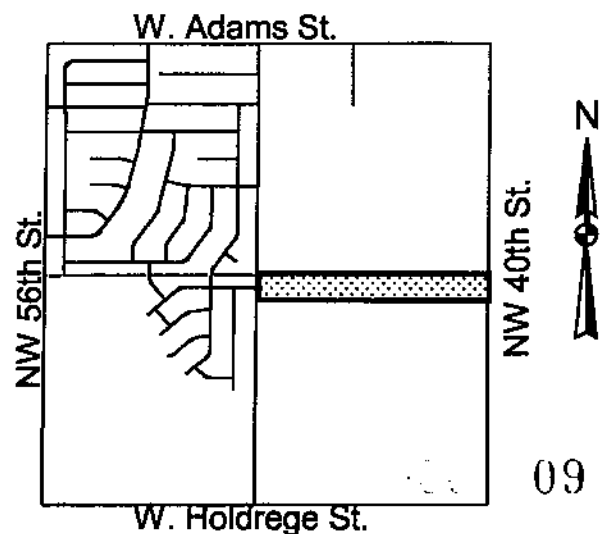
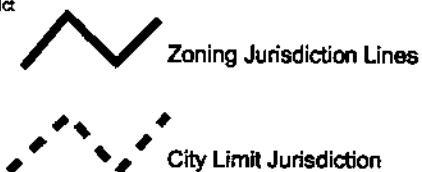


Preliminary Plat #02001
Change of Zone #3353
Ashley Heights 1st
NW 48th & W. Adams

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 18 T10N R6E





OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

4 January, 2001

Ms. Kathleen A. Sellman
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: Ashley Heights 1st Addition, Preliminary Plat
OA Project No. 2001-0397.02

Dear Ms. Sellman:

Enclosed find the following documents for the above mentioned project:

1. 21 Copies of the Site Plan, Sheet 1.
2. 9 Copies of the Drainage and Grading Plan, Sheet 2.
3. 5 Copies of the Preliminary Street Profiles, Sheet 3.
4. 6 Copies of the Landscape Plan, Sheet 4.
5. 3 Copies of the Soils Report.
6. Change of Zone Exhibit and Legal Description.
7. Change of Zone Application Fee (~~\$585.00~~) 290.00
8. Preliminary Plat Application
9. Preliminary Plat Base Application Fee (\$500.00).
10. Preliminary Plat per Lot Application Fee (\$2,000.00).

The proposed Preliminary Plat is located in the SE ¼ of Section 18, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

We are requesting a Preliminary Plat to create 69 Single-Family lots and a Zoning Change from AG to R-3 for the above mentioned project.


We are requesting the following waivers:

1. A waiver to the design standards for Sanitary Sewer Man-hole depth.
2. A waiver for Detention. The designed storm sewer provides connection into a conduit in Ashley Heights CUP. This conduit is adequately sized for additional flows and in turn exits into an existing Storm Water Detention Cell located on the north side of Ashley Heights CUP.

Ms. Kathleen A. Sellman
Page Two
28 December 2001

Please contact me if you have any questions or require additional information.

Sincerely,



Stephen L. Clymer, AIA

Encls.

cc Phil Stettinger
Joseph F. Bachmann

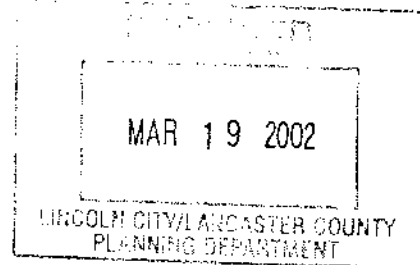
F:\Projects\20010397\Doc\A.L.SellmanPP.102.wpd

Memorandum

To: Becky Horner, Planning
From: Dennis Bartels, Engineering Services
Subject: Ashley Heights 1st Addition Preliminary Plat and Annexation

Date: March 18, 2002

cc: Roger Figard
Randy Hoskins
Nicole Fleck-Tooze
Virendra Singh
Ben Higgins



Engineering Services has reviewed the revised preliminary plat for Ashley Heights 1st Addition located east of Northwest 48th Street at West Thatcher and has the following comments:

1. Annexation - As a condition of annexation and this plat, Engineering Services recommends that the developer be required to build provisions for right and left turn lanes in Northwest 48th Street at Thatcher for northbound right and southbound left turns. Public Works has received numerous inquiries and complains about this intersection for the extension to the west. Long Term Planning's review of this plat has noted that this intersection is at the ½ mile line and is the design standard location for a collector street. 66' of right-of-way should be dedicated and 33' of pavement built between Northwest 46th and Northwest 48th Streets. This recommendation was not made in the first review of this plat.
2. Water - The proposed water system is satisfactory to serve this subdivision.
3. Sanitary Sewer - The proposed sanitary sewer system is satisfactory provided that the previously requested depth waiver is approved.
4. Drainage - The drainage and grading plan has been revised and is satisfactory provided that easements can be obtained to do the substantial grading shown outside this plat along the south property line.
5. Streets - Engineering Services has concerns about the long straight street alignment of West Thatcher Lane. This alignment is conducive to higher speeds because of the length of the straight section. The street system however does meet design standards. There are no design standards that address the issue of the long straight alignment.

The waiver to the curb and gutter in Northwest 48th Street is satisfactory provided that the turn lanes addressed in "comment 1" are shown.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # DRF02003

Address

Job Description: ASHLEY HEIGHTS 1ST ADD

Location: ASHLEY HEIGHTS 1ST ADD

Special Permit: N

Preliminary Plat: Y 02001

Use Permit: N

CUP/PUD: N

Requested By: BECKY

Status of Review: Approved

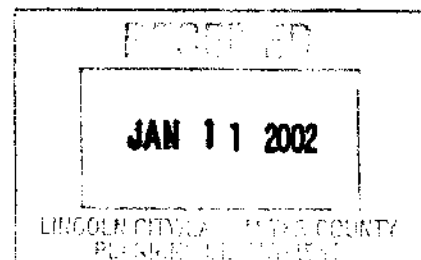
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

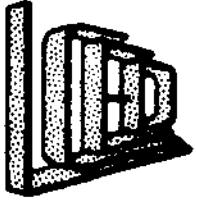
BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





Lancaster

County

Engineering

Department

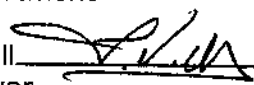
DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: January 14, 2002

TO: Becky
Planning Department

JAN 15 2002

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: CHANGE OF ZONE #3353, AG to R-3
PRELIMINARY PLAT #02001 - ASHLEY HEIGHTS 1ST AD

Upon review, this office has no direct objections to this submittal.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

To: R Horner <RHorner@ci.lincoln.ne.us>
cc:
Subject: Ashley Heights - PP02001

03/14/2002 02:02 PM

Becky,

The Lincoln Police Department has no objections to the Ashley Heights PP02001.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: March 14, 2002

Re: Ashley Heights PP02001 Annex 02002

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



INTER-DEPARTMENT COMMUNICATION

DATE January 15, 2002

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #22N-44W

Attached is the Preliminary Plat for Ashley Heights 1st Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the outlots.

Sharon Theobald



January 11, 2002

Becky
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992

SUBJECT: Ashley heights 1st Add.

Becky,

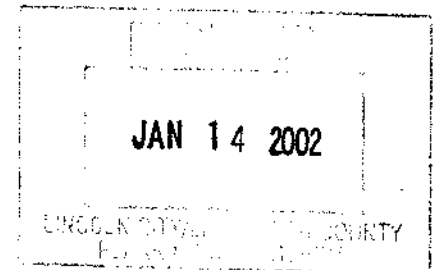
I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

David L. Wampler
Acting Supervisor, Customer Service Support



Dennis L Roth

01/18/2002 02:44
AM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: Ashley Heights, 1st Add

PROJ NAME: Ashley Heights, 1st Add
PROJ NMBR: PP02001, CZ3353, AG to R-3
PROJ DATE: 01/08/02
PLANNER: Becky

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

We would however, recommend Ramsey Rd be prefixed with "West" in keeping with City policy for streets west of N 1st. St.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

Streets: W Leighton Av, Ramsey Rd, W Thatcher Av
NW 42nd St, NW 43rd St, NW 45th St, NW 46th St and NW 47th St

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-DEPARTMENT COMMUNICATION**

TO:	Rebecca Horner	DATE:	March 18 , 2002
DEPARTMENT:	Planning	FROM:	Ron Marquart, REHS <i>rum</i>
ATTENTION:		DEPARTMENT:	Health <i>re</i>
CARBONS TO:	Bruce D. Dart Scott E. Holmes File	SUBJECT:	Ashley Heights P.P. #02001

The Lincoln-Lancaster county Health Department (LLCHD) has reviewed and made an onsite visit of this plat. This plat is already in progress of development with heavy equipment grading the land at the time of inspection.

Water Supply

Water supply is proposed to be the Lincoln Water System.

Sewage Treatment

Sewage treatment is proposed to be the Lincoln Wastewater System.

Erosion Control

During construction, best management practices should be used to minimize storm water runoff, especially soil erosion prevention methods. LLCHD recommends that the developer contact the Lower Platte South Natural Resources District for technical and potentially financial assistance to minimize storm water pollution.

Disposal of Trees from Land Clearance

Provisions should be made for retaining as much tree mass as possible. Alternately, the application will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the City limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

If there are any questions please contact me at 441-8030.

LM:dl
Planning.Memo.wpd

APR 1 - 2002